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ORIGINALLY FILED

Attorney's Docket No. 11496/236625

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Briere

Application Serial No. 09/902,475

Filed: July 9, 2001

For: BLOW MOLDING DEVICE FOR PRODUCING
THERMOPLASTIC CONTAINERS

Group Art Unit 1722

Examiner: Davis, Robert P.

BOX MISSING PARTS
Commissioner for Patents
Washington, DC 20231

RESPONSE TO
NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts of Non-provisional Application dated September 20, 2001, enclosed are the following:

- ☒ Part 2 of the Formalities Letter or Form PTO-1533, "Notice to File Missing Parts of Re-Issue Application;"
- ☒ Part 2 of the "Notice to File Missing Parts of Non-Provisional Application Filed Under 37 C.F.R. § 1.53(b);"
- ☒ Consent of the Assignee as required by 37 C.F.R. § 1.172 from a copy of the consent filed in the parent case entitled, "Reissue Application, Assent by Assignee and Offer to Surrender Original Patent;"
- ☐ The Applicant claims small entity status;
- ☒ A check in the amount of \$840.00 to cover the filing fee of \$710.00 and the \$130.00 surcharge under 37 C.F.R. § 1.16(e) for filing the Oath or Declaration at this time;
- ☐ An English Translation of the application along with the \$130.00 fee for filing it late, 37 CFR § 1.17(k);

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Page 2

- ☒ Other: Declaration as required by 37 C.F.R. § 1.63, filed herewith as a "Submittal of Declaration Under 37 C.F.R. § 1.163(d)(1)(iv);
- ☒ Other: A copy of the Re-Issue Specification in double-column format;
- ☒ Other: A "Statement Under 37 C.F.R. § 3.73(b)" from the Assignee establishing ownership of the patent;
- ☒ Other: A "Notice of Existence of Pending Litigation;"
- ☒ Other: An Information Disclosure Statement, form PTO 1149, and cited references;
- ☒ Other: A "Petition for a Two-month Extension of Time Under 37 C.F.R. § 1.136(a) for Submitting Missing Parts," along with the required fee therefor in the amount of \$390.00.

Any additional fee or credit associated with this Response may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,




J. Scott Anderson
Registration No. 48,563

Customer No. 00836

ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Atlanta (404) 881-7000
Fax (404) 881-7777

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to **Box Missing Parts**, Commissioner for Patents, Washington DC 20231, on this, the 18 day of January, 2002.


J. Scott Anderson



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Commissioner for Patents
Washington, DC 20231

SUBMITTAL OF DECLARATION
UNDER 37 C.F.R. § 1.63(d)(1)(iv)

Sir:

The Applicant hereby submits, as provided in 37 C.F.R. § 1.63(d)(1)(iv), a copy of the Declaration and Power of Attorney from the parent of the above-identified continuation application.

The surcharge in the amount of \$130.00 is included with the Applicant's "Response to Notice to File Missing Parts," filed herewith.

Any additional fee or refund associated with this Submittal may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,

J. Scott Anderson

Registration No. 48,563

ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/902,475	07/09/2001	Dominique Briere	011496/236625

CONFIRMATION NO. 7468

000826
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

FORMALITIES LETTER

OC000000006582338

Date Mailed: 09/20/2001

NOTICE TO FILE MISSING PARTS OF REISSUE APPLICATION

Filing Date Granted

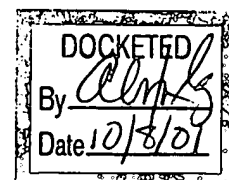
An application number and filing date have been accorded to this reissue application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

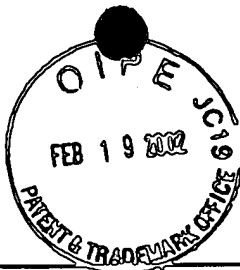
- o The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- o The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- o To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- o **The balance due by applicant is \$ 840.**
- o Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.172 requires that all assignees consenting to the reissue application establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b).

*A copy of this notice **MUST** be returned with the reply.*

C. M. Raymond
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE





UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
OWNER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/902,475	07/09/2001	Dominique Briere	011496/236625

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BANK OF AMERICA PLAZA
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CHARLOTTE, NC 28280-4000

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Date Mailed: 09/20/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

Correction of the following is required to complete the reissue application:

☒ The reissue specification has not been provided in double-column format as is required by 37 CFR 1.173(a)(1). A surcharge is not required when supplying this item.

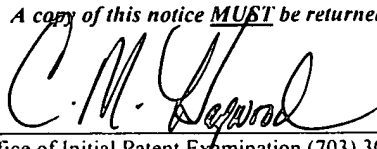
☒ Consent of the assignee is missing. 37 CFR 1.172 requires that the reissue oath/declaration be accompanied by the written consent of all assignees. Until this item is supplied, the oath/declaration remains defective; thus, payment of the surcharge (\$130 for large entity; \$65 for small entity) under 37 CFR 1.53(f) and 37 CFR 1.16(e) is required in addition to the supplying of this item. See MPEP § 1410.01.

☐ Consent of the assignee is present, but is unsigned. A statement of consent bearing the signature of an official authorized to act on behalf of the assignee(s) must be provided, to comply with 37 CFR 1.172. Until this item is supplied, the oath/declaration remains defective; thus, payment of the surcharge (\$130 for large entity; \$65 for small entity) under 37 CFR 1.53(f) and 37 CFR 1.16(e) is required in addition to the supplying of this item. See MPEP § 1410.01.

☒ Assignee's statement under 37 CFR 3.73(b) establishing ownership of the patent is missing. 37 CFR 1.72 requires that all assignees consenting to the reissue establish their ownership interest in the patent by filing in the reissue application a statement in accordance with 37 CFR 3.73(b). See MPEP § 324. Until this item is supplied, the oath/declaration remains defective; thus, payment of the surcharge (\$130 for large entity; \$65 for small entity) under 37 CFR 1.53(f) and 37 CFR 1.16(e) is required in addition to the supplying of this item. See MPEP § 1410.01.

☐ Assignee's statement under 37 CFR 3.73(b) is present, but is unsigned. A 37 CFR 3.73(b) statement bearing the signature of an official authorized to act on behalf of the assignee must be provided. Until this item is supplied, the oath/declaration remains defective; thus, payment of the surcharge (\$130 for large entity; \$65 for small entity) under 37 CFR 1.53(f) and 37 CFR 1.16(e) is required in addition to the supplying of this item. See MPEP § 1410.01.

A copy of this notice **MUST** be returned with the reply.


Office of Initial Patent Examination (703) 308-0910